

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

STEPHEN MULLICAN AND)
KELLEY MULLICAN,)
)
Plaintiffs,)
)
v.) Case No. CIV-23-160-G
)
STATE FARM FIRE AND)
CASUALTY COMPANY,)
)
Defendant.)

DEFENDANT'S OBJECTIONS TO PLAINTIFF'S EXHIBIT LIST

Pursuant to the Scheduling Order [ECF No. 25] entered in this case, as well as Federal Rule of Civil Procedure 26(a)(3)(B), Defendant State Farm Fire and Casualty Company submits its objections to Plaintiffs' Exhibit List [ECF No. 27]. Defendant reserves the right to request leave of the Court to supplement these objections—including via inclusion of objections in the proposed Pretrial Report—because discovery is not yet complete and because some objections may be newly applicable upon the granting by the Court of dispositive or limine motions filed by Defendant. Defendant reserves its objections under Federal Rules of Evidence 402 and 403 as allowed by Federal Rule of Civil Procedure 26(a)(3)(B).

Defendant also objects to all of Plaintiffs' proffered exhibits to the extent Plaintiffs do not introduce witness testimony sufficient to lay a foundation for admission of such exhibits and to prevent the exhibits from being classified as hearsay. Such objections are not currently known to Defendant due to testimony not yet being offered.

Defendant further objects to Plaintiffs' proffered exhibits as follows:

No.	Plaintiffs' Exhibit Description	Basis for Defendant's Objection(s)
1.	Mullicans' Proof of Loss, dated February 13, 2021	Offers an impermissible legal conclusion; inappropriateness for use as exhibit; invades the province of the Court.
2.	Mullicans' Request for Full Payment, dated June 23, 2021	Offers an impermissible legal conclusion; inappropriateness for use as exhibit; invades the province of the Court.
6.	Mullicans' letter regarding Claim, dated September 29, 2021	Offers an impermissible legal conclusion; inappropriateness for use as exhibit; invades the province of the Court.
8.	Mullicans' Claim Settlement Duties, dated June 23, 2021	Offers an impermissible legal conclusion; inappropriateness for use as exhibit; invades the province of the Court.
9.	Mullicans' Claim Settlement Duties, dated June 23, 2021	Offers an impermissible legal conclusion; inappropriateness for use as exhibit; invades the province of the Court.
11.	Mullicans' Request for Full Payment, dated June 23, 2021	Offers an impermissible legal conclusion; inappropriateness for use as exhibit; invades the province of the Court.
18.	Duane Smith's estimate of damages, dated November 20, 2023	Lack of foundation; offers an impermissible legal conclusion; inappropriateness for use as exhibit; invades the province of the Court.
25.	Letter re Housing Complaint, dated October 12, 2021	Offers an impermissible legal conclusion; inappropriateness for use as exhibit; invades the province of the Court.
26.	Insurance Complaint, dated October 13, 2021	Offers an impermissible legal conclusion; inappropriateness for use as exhibit; invades the province of the Court.
33.	Entire Claim File for Claim No. 36-12N4-32Q	Offers an impermissible legal conclusion; inappropriateness for use as exhibit; invades the province of the Court.

No.	Plaintiffs' Exhibit Description	Basis for Defendant's Objection(s)
33.	Exhibits to Proof of Loss submitted to State Farm	Offers an impermissible legal conclusion; inappropriateness for use as exhibit; invades the province of the Court.
34.	State Farm Fire and Casualty Company's Underwriting File for the Property	Not produced.
35.	Chad T. Williams' Engineer Report	Lack of foundation; offers an impermissible legal conclusion; inappropriateness for use as exhibit; invades the province of the Court.
36.	Chad T. Williams' CV	Lack of foundation; inappropriateness for use as exhibit; invades the province of the Court.
37.	Duane Smith's Report, dated November 20, 2023	Lack of foundation; offers an impermissible legal conclusion; inappropriateness for use as exhibit; invades the province of the Court.
38.	Duane Smith's CV	Lack of foundation; inappropriateness for use as exhibit; invades the province of the Court.
39.	Native versions of any photograph listed in Plaintiffs' Exhibit and/or Defendant's Exhibit List.	Defendant objects to Plaintiffs' identification of documents which are not specifically identified and for which Defendant is therefore unable to offer specific objections. Additionally, lack of foundation; offers an impermissible legal conclusion; inappropriateness for use as exhibit; invades the province of the Court.
40.	Any exhibits listed by Defendant and not objected to by Plaintiffs.	Defendant objects to Plaintiffs' identification of documents which are not specifically identified and for which Defendant is therefore unable to offer specific objections. Additionally, lack of foundation; offers an impermissible legal conclusion; inappropriateness for use as exhibit; invades the province of the Court.

Respectfully submitted,

s/ Andrew J. Morris

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